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SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Fiftieth session

SUMMARY RECORD OF THE 6th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 6 August 1998, at 10 a.m.

Chairman: Mr. GUISSE

later: Mr. FAN Guoxiang
(Vice-Chairman)

CONTENTS

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

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GE.98-13559 (E)

The meeting was called to order at 10.08 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII) (agenda item 2) (continued)
(E/CN.4/1998/124-E/CN.4/Sub.2/1998/2, E/CN.4/Sub.2/1998/26, E/CN.4/Sub.2/1998/27, E/CN.4/Sub.2/1998/33, E/CN.4/Sub.2/1998/34, E/CN.4/Sub.2/1998/NGO/1)

1. Mr. DJAMIN (Third World Movement against the Exploitation of Women) said that the new Government which had taken office in Indonesia after the resignation of President Suharto had failed to stop the systematic violation of human rights by the State. The steps taken, such as the adoption of the National Action Plan on Human Rights, the ratification of the Convention against Torture and the selective release of political prisoners, were cosmetic measures that had not addressed the institutionalized machinery of terror.

2. An eloquent example was Aceh, a Military Operational Area since 1989, where 1,700 deaths and disappearances had been reported in the month of July alone. A parliamentary fact-finding mission had recently confirmed the existence of at least seven mass burial sites and a torture camp, and acknowledged that the military had been largely responsible. Ostensibly to protect them from fundamentalist separatists, the military authorities were subjecting the inhabitants of Aceh to systematic violence, including murder, disappearance, torture and rape.

3. An independent investigation of human rights abuses in Aceh should be initiated as soon as possible and invitations extended to experts such as those of the Commission. The Indonesian Government had to stop blaming the violence on separatists or religious hatred and social envy and admit to the use of organized violence if it was to command any kind of credibility.

4. Mr. WAREHAM (International Association against Torture (IAAT)) took issue with the double standard built into the mechanism for reviewing human rights violations, which unfairly held the developing world to be the supposed source of all that was evil, and criticised the hypocrisy of the unipolar world to which Mr. Khalifa had referred at the previous meeting. For eight years IAAT's statements in the Sub-Commission had been documenting the human rights violations committed by the United States, which was quietly, often imperceptibly, consolidating a fascist State. One example at the international level was the blockade of Cuba with its disastrous consequences for the Cuban people and the legislation enacted by the United States to punish countries which did business with Cuba. Moreover, the United States used the United Nations when it was expedient to do so, namely, in making war on Iraq, intervening in Somalia and imposing sanctions against Iraq and Libya, but cavalierly disregarded United Nations decisions when it chose, as in the case of the mining of the Nicaraguan harbour.

5. In the domestic sphere, the United States regularly violated the rights of people of colour. A large majority of the poor and unemployed were black.

The death penalty was increasingly applied. From 1992 to 1995, 41 States had enacted laws making it easier for juveniles to be tried as adults. The privatization of prisons was leading to increased violations of the human rights of inmates. The chance that a Black man would spend some time in prison during his lifetime was 28.5 per cent, as opposed to 2.5 per cent for a White. The United States continued to deny the existence of more than 200 political prisoners in the country. Incidents of racism and racial discrimination by the police were on the rise and were often sanctioned by impunity. The number of police officers had increased by 19 per cent between 1992 and 1996. More restrictive immigration laws were being enacted in an effort to limit, if not eliminate, the influx of non-white immigrants, and were used in particular against Muslims and Arabs, who were targeted for their political and religious beliefs. Freedom of the press was coming under increasing attack.

6. In addition to all those facts, the findings submitted by two Special Rapporteurs of the Commission on Human Rights had given rise to serious and substantial criticism of United States human rights practices. IAAT therefore reiterated its request that the Sub-Commission should place the United States on the list of countries in which there was a consistent pattern of gross violations of human rights.

7. Mr. HADJAR (Movement against Racism and For Friendship among Peoples), drawing the Sub-Commission's attention to the situation in Indonesia, said that since the fall of President Suharto, not only had the few changes introduced been purely superficial, but the new Government was doing everything in its power to ensure that the serious human rights violations committed since 1965 went unpunished and refused to tolerate any criticism of the former President. He referred to the bloodbath which had given rise to President Suharto's dictatorship and kept the President in power, the brutal witch-hunts against communists, the mass killings in the provinces of Aceh and Irian Jaya, the massacres of Muslims and the military operations against thousands of petty offenders in the large towns, and added that Indonesian soldiers had systematically raped and continued to rape women, even three-year-old girls, during the military operations, as the anti-Chinese riots in May had recently attested. All human rights violations were serious, but the violations in Indonesia constituted nothing less than a series of crimes against humanity which the authorities wanted to remain unpunished. As impunity paved the way for the repetition of the same crimes, it was urgent for the Sub-Commission to appoint a special rapporteur to help the Indonesian Government elucidate those crimes fully.

8. Ms. GUL (All Pakistan Women Association) drew the Sub-Commission's attention to the continuous violation of human rights in Indian-occupied Kashmir. The Kashmiri struggle for self-determination was entering its fiftieth year; generations of Kashmiris had grown up under colonial occupation. In the past decade, more than 60,000 had been killed by the Indian security forces, and over 35,000 were languishing in jails. Reports by the United States Department of State and NGOs like Amnesty International and Human Rights Watch and the latest report of the United Nations Special Rapporteur on torture referred to systematic human rights violations by the Indian forces and documented the widespread use of torture and inhuman practices, including the rape of women and young girls.

9. Human rights activists were under constant threat and Kashmiri political leaders were routinely harassed. The Kashmiri people had no recourse to the courts against those widespread violations of human rights: Amnesty International reported that hundreds of habeas corpus petitions remained pending and judicial decisions on them remained unimplemented. Occupied Kashmir had become a concentration camp without walls. It was essential that international human rights organizations should be given full and complete access to occupied Kashmir and that the Indian Government should permit the United Nations Special Rapporteurs on torture, extrajudicial executions and violence against women to visit Kashmir and present their findings to the Sub-Commission and the Commission on Human Rights. The Kashmiri people had put their faith in international bodies like the Sub-Commission and the Commission, and she hoped that they would not be disappointed.

10. Ms. FONTANA (International Prison Watch) drew attention to the militarization of the penitentiary system in a number of Latin American countries. International Prison Watch was deeply disturbed by the de facto or de jure establishment of a military supervisory authority within the prisons. In Argentina, some of the staff of the federal prison service were former military personnel who had been members of the Grupos de Tareas, which had been responsible for many extrajudicial executions, disappearances and torture in secret detention camps during the dictatorship. In Brazil, the prisons were officially administered by the military police in over half the States. The 133 Chilean prisons were under the authority of the gendarmerie. In Colombia, arrangements were being made for maximum-security prisons and prison blocs to be guarded by the security forces. In Venezuela, guards outside the prisons were members of the military, and there were plans to establish a special prison supervisory body consisting of military personnel.

11. The militarization of the prison system had serious consequences. Firstly, it divided the supervisory function in two at the expense of the civilian administration's role, and led to a type of prison management that was authoritarian and exclusively security-minded. The situation was especially alarming as increased violence was becoming the only response to the demands of inmates. Secondly, conditions of detention created recurrent and often sustained violence, which eventually became a characteristic feature of prison life and resulted in a large number of deaths. The annual report of International Prison Watch mentioned numerous deaths caused by violence and abuse of force by law enforcement officers.

12. International Prison Watch regretted that none of the Governments concerned had conducted an exhaustive and impartial investigation to find the guilty parties and take effective measures to ensure that such violations did not recur. She reiterated her hope that a special rapporteur on persons subjected to detention or imprisonment would be appointed.

13. Mrs. WARZAZI, after commending Mr. Khalifa for his frank statement at the previous meeting, which had been a refreshing change from the usual double-talk, said that there was unfortunately no international organization which could, like UNICEF or UNDP, submit a report on the progress made and the setbacks encountered in human rights at the end of the twentieth century and on the reasons for the present situation.

14. The peace and security which the world thought it had achieved with the collapse of the Berlin wall had been a mere dream. Peoples continued to destroy each other and no one took notice unless geostrategic interests were at stake. Humanitarian work was at a standstill and starvation and violence were killing off entire peoples. As everyone knew, embargoes were routinely used to threaten leaders who were the only ones not affected by their consequences. The situation in the Middle East, which had aroused such hopes only a short while earlier, was deteriorating as a result of a series of violations of the Palestinian people's rights, and the United Nations Security Council's only response was to adopt ineffectual resolutions.

15. Amid the celebrations of the fiftieth anniversary of the Universal Declaration of Human Rights, it was worth remembering that the poverty and ignorance in which hundreds of millions of human beings lived were the enemies of democracy and human rights. No one could possibly disagree with the Nobel Peace Prize winner José Ramos Horta, who had said that human rights education and training should begin in kindergarten.

16. According to an article which had appeared in the Courrier international, various European summit meetings had come to the conclusion that Europe was under threat from uncontrollable migratory movements from the east and south, as if Europe needed to replace the Soviet danger by a new common threat from outside to unite the peoples composing it. The upsurge of racism and xenophobia in Europe and the electoral progress achieved by the parties of the extreme right, which posed a serious threat to democracy and human rights, were hardly surprising.

17. Care should also be taken to ensure that technological progress did not become a threat to civil liberties and the right to privacy. Recent studies by the European Parliament had shown that global communications were all controlled by a small number of countries.

18. The battle which had begun with the adoption of the Universal Declaration of Human Rights was far from won, and perseverance and determination would still be necessary to ensure human rights for everyone and make the world a haven of peace, justice and tolerance.

19. Mr. ANCHOUR MONCEF (Tunisian Education and Family Organization - OTEF) said that Governments, NGOs and society at large should continue their efforts to develop national and international initiatives which transcended traditional political and cultural divisions. OTEF, for its part, had participated in the consultations on the reform of the Tunisian educational system, which had led to the promulgation on 29 July 1991 of a law introducing free compulsory education for children up to the age of 16. The attendance ratio for children from 6 to 12 years of age was 93.1 per cent, and at the secondary level girls accounted for over half of the total number of children attending school.

20. OTEF found it regrettable that some NGOs tended to reduce human rights philosophy to slogans used for sectarian political purposes. It had adopted a constructive approach to human rights, which did not mean that it refrained from all criticism. In areas such as the status of women, protection of the

family and protection of children, Tunisia had taken bold initiatives which managed to reconcile modernity and identity, growth and social progress, dynamism and stability.

21. Mr. JOINET, speaking on a point of order, said that the preceding speaker's statement was completely unrelated to agenda item 2.

22. Mrs. WARZAZI, speaking on a point of order, said that she had been shocked the previous day to hear certain NGOs make insulting remarks about several Governments. She urged the NGOs to remain courteous in their statements.

23. Mr. Fan Guoxiang took the Chair.

24. Mr. MAJID TRAMBOO (International Human Rights Association of American Minorities) said that his organization favoured the abolition of capital punishment and was concerned at the increasingly frequent application of the death penalty in the United States of America. He also expressed the gravest concern about the situation of African Americans held in American prisons, whose conditions of detention contravened the United Nations Standard Minimum Rules for the Treatment of Prisoners and the United States Constitution.

25. In Kosovo, the ethnic Albanian population was being subjected to atrocities by the Serbian forces, namely, house-burning, looting, torture and massacres.

26. The untouchables in India continued to be the victims of apartheid. In a document submitted to the Human Rights Committee in July 1997, Amnesty International described at length the torture and degrading treatment sustained by untouchables. Serious and systematic violations of human rights were still being committed by the police, prison staff and armed and paramilitary forces in India.

27. The people of Indian-occupied Kashmir continued to suffer brutal repression through arbitrary arrests, torture, murder and rape, simply because the people wanted to decide their own political future. According to Asia Watch, the Indian occupation forces were hiring the services of "gangs" to commit serious human rights violations and placing the blame on Kashmiris.

28. A year earlier, Mrs. Palley had stated that terrorism and the need to curb it did not justify torture, rape, summary executions, disappearances, etc. She had also reminded the Sub-Commission of its primary duty to monitor, under agenda item 2, gross violations of human rights by Governments. It was the international community's duty to remind States which did not respect international human rights standards of their obligations under international law.

29. Mr. WU JIANMIN (Observer for China) said that, although the Cold War was over, the "Cold War mentality", which consisted in emphasizing and even exaggerating differences and imposing one's views on others, persisted and boded ill for the cause of human rights. For that reason China welcomed the positive change that had taken place at the Commission's fifty-fourth session, when States had made a concerted effort to reduce confrontation and strengthen

dialogue and cooperation. Cooperation was possible because States had at least five points in common: all attached importance to human rights; all accepted the principle of the universality of human rights; all admitted that no country's human rights situation was perfect; all considered that human rights constituted an integral whole and that civil and political rights on the one hand and economic, social and cultural rights on the other to be equally important; and all were in favour of the rule of law. The Commission's adoption, at its fifty-fourth session and after 14 years of consultations, of the Declaration on Human Rights Defenders, showed that extensive cooperation was possible on the basis of the five points he had mentioned.

30. The Sub-Commission had played a constructive role in promoting dialogue and cooperation by adopting, at its forty-ninth session, resolution 1997/38, entitled "Promotion of dialogues on human rights issues", in which it invited members of the Sub-Commission and governmental and non-governmental observers to carry out constructive dialogue and consultations on human rights.

31. Another weakness of the human rights activities of the United Nations was overemphasis on civil and political rights at the expense of economic, social and cultural rights and the right to development. Since 1992, of the 614 resolutions adopted by the Commission only 40 related to economic, social and cultural rights. China hoped that the Sub-Commission would help redress that imbalance.

32. During the previous year, China had engaged in dialogues on human rights with many countries, both developed and developing; the results had been satisfactory because mutual respect had been observed.

33. China attached importance to cooperation with United Nations human rights mechanisms. In October 1997, it had invited the Working Group on Arbitrary Detention to visit China. During the last session of the Commission on Human Rights, his delegation had held useful exchanges of views with representatives of the Office of the High Commissioner for Human Rights on questions concerning the two International Covenants on human rights. The High Commissioner for Human Rights, Mrs. Robinson, was invited by the Chinese Government to visit China in September 1998.

34. Some speakers had mentioned the riots that had taken place in Indonesia in May, when many shops owned by ethnic Chinese had been ransacked and burned and many ethnic Chinese women savagely raped. The Chinese Government had asked the Indonesian Government to punish the culprits, to take effective measures to ensure the personal safety and interests of the ethnic Chinese in Indonesia and to prevent similar incidents from recurring.

35. Mrs. DAES said that, despite the international community's efforts, the human rights and fundamental freedoms contained in the Universal Declaration were not fully and universally observed. After the Cold War, some very serious problems had come to light: regional conflicts, ethnic confrontation accompanied by ethnic cleansing, increasing flows of refugees and displaced persons, torture, rape, terrorism, oppression and the persecution of peoples in many parts of the world. Amnesty International documented abuses in 141 countries in its 1998 report.

36. In that connection, she noted that thousands of indigenous people were suffering from inhuman treatment and disease, were deprived of their freedom and faced very difficult economic problems. In the circumstances it was very difficult for them to preserve their cultural identity.

37. The human rights situation in Chiapas was deteriorating at an alarming rate. Indigenous peoples were caught between government forces supported by officially-funded militias on one side and armed resistance groups on the other. That conflict, which had already resulted in hundreds of innocent victims, served the interests of no one. A welcome development had therefore been the announcement by the Mexican Government that it had adopted a strategy based on three pillars: a legal pillar to re-establish the rule of law, a political pillar for dialogue and negotiation with the Zapatista army (EZLN) and a social pillar to tackle the socio-economic causes of the conflict. She looked forward to the effective implementation of that strategy and to the full observance of human rights and fundamental freedoms.

38. The human rights situation in Turkey was a source of concern. Firstly, Akin Birdal, Turkey's best-known human rights activist, had been the victim of an assassination attempt in prison.

39. Secondly, the Turkish authorities were conducting an ethnic cleansing policy against the Greek minorities on the islands of Gokceada (Inviros) and Bozcada (Tenedos), in flagrant violation of the Treaty of Lausanne. The teaching of Greek was forbidden and 95 per cent of the arable land belonging to the Greek minority of Gokceada had been expropriated. The cultural assets of the Greek minority, in particular religious articles, were being plundered and destroyed.

40. In Cyprus, 38 per cent of the territory of the island was still occupied, and the missing persons problem remained unsolved. The living conditions of the 500 Greeks and Maronite Cypriots living in the Turkish-occupied part of the island were appalling. The influx of Turkish settlers had changed the demographic structure in the northern part of the island; that was a crime under international law.

41. In conclusion, she expressed the hope that the principle "all human rights for all" would be effectively implemented.

42. Mr. PINHEIRO said that the international community was closely following Iran's efforts in the field of human rights. Considerable progress had been achieved in that respect, as noted in the report of the Special Rapporteur, Mr. Maurice Copithorne. He asked the Chairman, in the context of the constructive dialogue taking place between the Sub-Commission and the Iranian Government, to request the Government of Iran to communicate to the Sub-Commission information on the execution of Mr. Ruhollah Rawhany and on the cases of Mr. Zabihi Moghaddam, Mr. Kashefi Najafabadi and Mr. Hamid Nazirzadeh, who had reportedly been prosecuted and imprisoned because of their membership in the Baha'i community.

43. Mr. SUNGAR (Observer for Turkey) said that his country had been a parliamentary democracy since 1946, well before the establishment of democratic regimes in a number of countries members of the European Union.

Unfortunately, Turkey was not facing an armed conflict, but a separatist terrorist movement which claimed to be the defender of a so-called "minority", but in fact aimed at amputating one-third of the country's territory.

44. Despite that situation, the Turkish Government had taken additional steps in pursuit of its human rights policy since the Sub-Commission's forty-ninth session with the following results: six constitutional amendments, intended to increase democratic participation, had entered into force. Parliament had enacted a law reforming the prisons and introducing new resources for prison administrations. Parliament had lifted the state of emergency in three provinces and reduced it in the southeastern region. Lastly, Parliament had before it a draft law replacing the Turkish Penal Code; the new code abolished the death penalty, which had not been carried out since 1984, and enlarged the scope of freedom of expression. Turkey's increased openness in the area of human rights was also attested by the fact that the Working Group on Enforced or Involuntary Disappearances and the Special Rapporteur on torture would be visiting Turkey in September and November 1998 respectively.

45. The Turkish Government was currently concentrating its efforts on three important areas: the establishment of a human rights "ombudsman"; a local administration reform aimed at strengthening local democracy and the adoption of job-creating measures in the southern provinces.

46. Since Turkey had been criticized for persecuting human rights defenders, he recalled that the Turkish delegation had been a leading sponsor of the draft Declaration on Human Rights Defenders. Human rights defenders themselves, on the other hand, had certain responsibilities, one of which was to respect law and order. The closing of the branch offices of some organizations in Turkey had been motivated by their failure to fulfil those obligations. However, the Diyarbakir branch office of the Turkish Human Rights Association had been permitted to re-open, as had four of the Association's seven branch offices previously closed.

47. Turkey would resolutely forge ahead with the human rights reform process, in parallel with the exercise of its legitimate right to defend the territorial integrity and political unity of the country against separatist terrorism supported from outside.

48. Mr. KIM (Observer for the Republic of Korea) said that there was obviously no cure-all for eliminating human rights violations; each situation required a different approach. However, ending impunity for violators of human rights should be a priority of the international community. Fully cognizant of that need, the Republic of Korea acknowledged the necessity of establishing a permanent international criminal court, and welcomed the adoption of the Statute of the Court in July in Rome.

49. The development of an arrangement for the prevention of serious human rights violations should also be explored, and early warning must be an integral part of all United Nations human rights activities. He therefore welcomed the recent suggestion to establish a rapid response system within the Office of the High Commissioner for Human Rights.

50. He wished to emphasize the importance of human rights education in general. The First International Decade for Human Rights Education (1995-2004) should offer an opportunity to send the human rights message to everyone.

51. Referring to the situation in the Republic of Korea, he said that the inauguration of the new Government under President Kim Dae-Jung on 25 February 1998 represented a milestone in his country's efforts to promote and protect human rights. The new Government, determined to ensure that human rights and fundamental freedoms were fully observed and that the people's living standards in all sectors improved, was in the process of enacting new human rights legislation and establishing a national human rights commission. The experience of the past decades had taught his country that democracy and the observance of human rights were essential elements in creating an environment that would promote development, peace and prosperity.

52. Mr. SORABJEE said that the various statements made had led him to ponder the real role of the Sub-Commission. In his opinion the Sub-Commission was first and foremost an advisory body of the Commission on Human Rights, a think-tank whose function was to undertake studies, open new fields and seek effective ways of enforcing human rights. Among its most important achievements in that area were the Declaration, and subsequently the Convention, on the Elimination of All Forms of Racial Discrimination.

53. Consideration of country situations tended to generate acrimony and bitterness instead of promoting genuine dialogue and understanding; the inevitable result was the politicization of the Sub-Commission. In any event, specific country situations could be examined by special rapporteurs, experts or working groups, which were better equipped than the Sub-Commission to undertake that task.

54. As an advisory body, the Sub-Commission also provided a forum for dialogue where the different actors of the international community - experts, NGOs and representatives of intergovernmental organs and of Governments - could meet to exchange information about violations taking place in many parts of the world. Which of those violations should the Sub-Commission address?

55. According to the criteria set by the Commission on Human Rights itself, the Sub-Commission should bring to its attention any situation which appeared to reveal a consistent pattern of gross violations of human rights in any country. In addition to that conceptual formulation, the Sub-Commission should take into account other factors, such as the nature and gravity of the violations, their extent and intensity, their duration, the presence or absence of domestic mechanisms for redress and particular problems faced by a country, such as terrorism.

56. Terrorist violence, which replaced the rule of law by the law of the jungle and the culture of the gun, was the very negation of human rights and provided Governments which felt threatened by terrorism with an excuse for committing serious human rights violations. Yet terrorism, which had been unequivocally condemned by the Sub-Commission in resolution 1996/20, did not

give the State licence to violate the human rights of its people. At the same time, it must not be forgotten that terrorism posed special problems for a country.

57. Another factor which the Sub-Commission should bear in mind when it considered country situations was whether human rights violations stemmed from the very nature of the regime, in other words whether violations were inherent in a country's legal system. For example, where there was rule by decree, the courts no longer exercised jurisdiction, constitutional guarantees were suspended and the press was gagged, the situation was obviously one of gross violations of human rights. When that was so, public criticism might have to be used to bring pressure to bear.

58. In other cases, the most constructive approach would be to study the underlying problems and suggest ways of solving them. As Mr. Eide had indicated, a particularly important task for the Sub-Commission should be to clarify the obstacles encountered in the realization of certain human rights and indicate ways to overcome them. The goals were encouragement, persuasion, dialogue, technical assistance and cooperation. In the words of Dag Hammarskjold, no individual, no nation and no ideology had a monopoly on rightness, liberty and human dignity.

59. Ms. HAMPSON said that, in situations of organized political violence such as terrorism, the State remained bound by its human rights obligations. Too often, however, States acted as if they could not defeat terrorism without resorting to violations of international human rights law. That approach was immoral, unlawful and ineffective, for in doing so States forfeited their legitimacy. Such States must be reminded that derogation from their human rights obligations was only permitted when the level of disturbance in a country threatened the life of the nation. And even in such situations, Article 3 common to the Geneva Conventions remained applicable.

60. States faced with organized political violence frequently complained that no mechanisms were available for punishing the terrorists. That was simply not so. Terrorists should be tried under domestic criminal law and should be imprisoned after conviction by a court which had observed fair trial norms in reaching its verdict. States could also have recourse to international humanitarian law, to prosecute those responsible for violations of the laws and customs of war. For that reason every State dealing with terrorism should sign the recently-adopted Statute of the International Criminal Court. Any State which did not do so might find that its good faith was called into question.

61. Against that background she referred to various situations in which there were allegations of human rights violations by the security forces of certain States. What was striking about them was the extent to which parallels could be drawn in the response of States to organized political violence.

62. In Turkey, particularly south-east Turkey, there was no doubt that the PKK had itself violated human rights norms. The Turkish authorities, however, had committed serious human rights violations which accounted for

over a million displaced people in Turkey, according to figures provided by the Turkish officials themselves. Not only activists, but also simple villagers had been the victims of killings, torture and disappearances.

63. Another example was Algeria, where practically nothing was being done by the police or military officials to protect the civilian population and prevent killings. The Human Rights Committee, in its concluding observations on Algeria's second periodic report, had expressed concern with regard to innumerable reports of arbitrary or extrajudicial executions of individuals, disappearances and torture in Algeria. She invited the Sub-Commission to urge the Government of Algeria to accept international verification of the human rights situation in the hope of ending the atrocities and identifying those responsible. Many of the violations in both Algeria and Turkey were being committed by defence groups which were not part of the security forces but were given power by the State and acted with complete impunity.

64. The pattern was the same in Colombia, where those responsible for serious human rights violations included not only the armed forces and the police but also paramilitary groups and civilian associations acting on behalf of the State. In that connection, Amnesty International had reported a sharp escalation of serious human rights violations by paramilitary forces acting with the tacit or active support of the army. As in Turkey, the paramilitary forces employed a scorched earth strategy, burning entire villages and displacing the inhabitants.

65. In Africa, the appalling human rights situations in Burundi and the Democratic Republic of the Congo could be considered part of the aftershock of the Rwandan genocide. The lesson to be drawn from those situations was that the international community must act in time. Failure to do so meant that not just States but individuals and organizations such as the Sub-Commission would be found guilty of hypocrisy and indifference. That was what they could expect if they stood by and did nothing about Kosovo and Burundi.

66. Those instances of States repeating one another's mistakes revealed a striking pattern. In many cases, with the exception of Colombia, States refused to accept international scrutiny. They claimed the right to regulate their internal affairs but did not accept the responsibility that went with that right, namely, the responsibility to protect the civilian population against violence. Yet, they could not claim sovereignty while refusing to be held accountable for their actions. They forgot that terrorism could not be defeated when the State itself violated human rights on a systematic basis.

67. Given the Sub-Commission's expertise in emergency situations, she again encouraged it to urge States to cooperate with international verification mechanisms. Only States which had something to hide had anything to fear from international scrutiny. The international mechanisms were there to help.

68. Mr. MORJANE (Observer for Tunisia) commended the Sub-Commission on its standard-setting achievements in the field of human rights, and said his delegation welcomed the fact that the statements of members reflected a desire to approach human rights issues from a multidimensional point of view, which made it possible to analyse the root causes of human rights violations

objectively and consider ways of promoting and protecting human rights. His delegation shared Mr. Guissé's view that human rights must enter a phase of achievement and that concrete measures must be proposed.

69. Tunisia, for its part, had succeeded in strengthening democracy and guaranteeing its citizens the full exercise of their fundamental rights. Freedom of expression was guaranteed by law and effectively protected. Freedom of movement was laid down in the Constitution and could be restricted only by judicial decision. The members of the security forces received human rights training and the rules governing prison administration were also consistent with international norms. Numerous measures had been taken to strengthen the independence of the judiciary. Reforms had also been undertaken to strengthen the republican system, including a constitutional revision in October 1997 to strengthen the multiparty system and the submission of a bill amending the electoral code.

70. The NGOs were to be commended for their role in promoting and protecting human rights, but some of them unfortunately levelled unfounded allegations at his country. Tunisia was encouraged by foreign observers' recognition of its achievements in the political, economic, social and cultural spheres, and would continue to work for the promotion of human rights and the strengthening of democracy and fundamental freedoms.

71. Mr. PRATOMO (Observer for Indonesia) said that the new Government which had assumed office on 21 May 1998 was facing the major challenge of creating a more democratic society and a new culture of respect for civil and political rights in the current economic climate. The first step taken by the Government had been to review all national laws and regulations to bring them into line with international human rights norms. It had drawn up a systematic programme to review cases of imprisonment on political grounds by the previous Government as a result of which several prisoners had been amnestied. With regard to freedom of association, the ban on political parties had been lifted, and on 5 June 1998 Indonesia had ratified ILO Convention No. 87 concerning Freedom of Association. The Government had also taken steps to ensure greater freedom of the press. The new environment of political freedom had given rise to a number of NGOs which dealt with human rights at various levels, and the National Commission on Human Rights had been established in 1993. On 25 June 1998, a Plan of Action on Human Rights (1998-2003) had been officially launched, in line with the recommendations of the Vienna Declaration and Programme of Action. The Plan was aimed at promoting and implementing principles of equity and included the ratification of the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and the International Convention on the Elimination of All Forms of Racial Discrimination, and, subsequently, the International Convention on Civil and Political Rights.

72. His Government was fully committed to shedding light on the attacks against the ethnic Chinese community which had taken place during the May 1998 riots. It had expressed deep regret and strongly condemned the atrocities, particularly the rape of Chinese women, and taken steps to provide the victims with assistance and prevent such incidents from recurring. On 15 July 1998, the National Committee for the Prevention of Violence against Women had been established with a view to implementing the National Programme on the

Elimination of Violence against Women. On 23 July 1998 a team consisting of representatives of various bodies had been formed to shed light on the incidents of May 1998; it was expected to produce a report by early November. President Habibie had pledged to provide better protection for Sino-Indonesians. In that regard, the Government had begun to review legislation to ensure that all citizens were treated equally and had made preparations for the ratification of the International Convention on the Elimination of All Forms of Racial Discrimination by the end of 1998. Lastly, the National Programme on the Elimination of Violence against Women had been incorporated into the National Plan of Action on Human Rights 1998-2003. He concluded by saying that his Government remained committed to cooperating with the Sub-Commission in order to promote and protect human rights throughout the world.

73. Mr. Guissé resumed the Chair.

74. Mr. PALIHAKKARA (Observer for Sri Lanka) said that his country had consistently followed an open human rights policy and that the Government had adopted various tangible and specific measures since the last session of the Commission on Human Rights in areas such as institution-building, investigations, prosecutions, reporting and accountability. The search for a solution to the root causes of human rights problems was continuing. The Government had published the reports of three commissions appointed to investigate involuntary disappearances and made them available to the Working Group on Enforced or Involuntary Disappearances. The Working Group had been invited to visit Sri Lanka and had accepted the invitation. An interministerial committee had been appointed to monitor the implementation of the recommendations of the three commissions. More importantly, reports of disappearances had greatly diminished as a result of a number of punitive measures taken by the judicial, executive and law enforcement agencies concerned; that fact had been acknowledged by the international organizations present in the area. The death sentence recently imposed on six security force officers was a landmark verdict which would have a strong deterrent effect on potential criminals. It had demonstrated the independence of the judiciary and the Government's determination to take firm action against impunity. The Human Rights Commission of Sri Lanka was fully operational, and had established 10 regional offices, including one in Jaffna, to contribute to the normalization process there. Since the Sub-Commission's forty-ninth session, Sri Lanka had also ratified the Optional Protocol to the International Covenant on Civil and Political Rights in October 1997, despite a propaganda campaign by the Liberation Tigers of Tamil Ealam (LTTE), a terrorist organization which sought to discredit the Government.

75. For 14 years the Government had been up against the opposition of the LTTE, which, through terrorist acts such as the killing of elected Tamil leaders of the Jaffna municipality and through its determination to provoke an intercommunity backlash in the country, was undermining all the Government's efforts to achieve a negotiated political solution based on the devolution of power and constitutional reform. However, the Government was encouraged by the reaction of the people of Sri Lanka who, during the 1998 elections in Jaffna, had demonstrated their rejection of terrorism, their desire for peace, and their determination to seek peaceful solutions to outstanding problems.

76. Ms. PEREZ-DUARTE (Observer for Mexico) said that her country was experiencing far-reaching changes in its economy and democratic institutions, as well as increased awareness of the need to enforce human rights.

77. Mexico's system of human rights protection was one of the most extensive in the world. The activities of the National Human Rights Commission, an independent body comprising 32 State commissions, had brought about a significant decline in certain firmly-entrenched practices, such as torture. In its efforts to combat impunity, the Government did not hesitate to convict public officials. Although some human rights violations were committed in Mexico, as in other countries, they did not reflect State policy.

78. The Government was particularly concerned by the violence prevailing in the State of Chiapas; a Peace and Reconciliation Commission consisting of members of all the political parties represented in the Chamber of Deputies and the Senate had been established to seek a solution to the problem through dialogue. Constitutional reforms affecting indigenous rights and cultures were being studied, in conformity with the San Andrés agreements. The Mexican Government realized that the solution to the Chiapas problem lay in dialogue and reconciliation which were possible only if the rebels were disarmed and the dialogue with the Zapatista National Liberation Army (EZLN) resumed. But it was also necessary to tackle the structural causes of the conflict, namely, the region's extreme poverty and underdevelopment, the people's lack of education and the absence of a health infrastructure. The Government had to encourage private and public investment in order to achieve that goal, and the indigenous peoples must once again be given hope by recognizing and guaranteeing their fundamental rights.

79. Mexico's policy did not entail the deliberate violation of human rights: it had signed nearly all human rights treaties and conventions and respected its reporting obligations. In 1996 the Inter-American Commission on Human Rights had visited Mexico. In 1997, the special rapporteurs of the Commission on Human Rights on torture and on the sale of children, child prostitution and child pornography had visited Mexico, which was preparing to submit its observations on Mr. Rodney's report. The Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes had also been invited to visit Mexico. The fact that Mexico had been visited by a large number of representatives of various organizations was proof that it did not in any way limit access to its territory. No large-scale, systematic violations of human rights took place in Mexico, which pursued a policy of promoting and protecting human rights, and would continue to participate in the implementation of international human rights instruments.

The meeting rose at 1.05 p.m.